

**FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 25, 2004**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Jessica D'Orazi, Page.

Approval of Journal

February 25, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fourth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 24, 2004

Mr. Speaker:

I transmit herewith S 1263, S 1241, S 1242, S 1256, S 1257, S 1258, S 1259, S 1295, and S 1296 which have passed the Senate.

WOOD, Secretary

S 1263, S 1241, S 1242, S 1256, S 1257, S 1258, S 1259, S 1295, and S 1296 were filed for first reading.

Report of Standing Committees

February 25, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed HCR 50, H 754, H 755, H 756, H 757, H 758, and H 759.

FIELD(18), Chairman

HCR 50 was referred to the Judiciary, Rules, and Administration Committee.

H 754 and H 759 were referred to the Revenue and Taxation Committee.

H 756, H 757, and H 758 were referred to the Business Committee.

H 755 was filed for second reading.

February 24, 2004

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration SJM 107 and recommend that it do pass.

WOOD, Chairman

SJM 107 was filed for second reading.

February 24, 2004

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration H 686 and recommend that it do pass.

BARRETT, Chairman

H 686 was filed for second reading.

February 25, 2004

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration H 739 and recommend that it do pass.

CROW, Chairman

H 739 was filed for second reading.

February 25, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration S 1265 and SCR 123 and recommend that they do pass.

DEAL, Chairman

S 1265 and SCR 123 were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

House of Representatives
State of Idaho

February 23, 2004

The Honorable Bill Sali
Chairman, Health and Welfare Committee

Dear Representative Sali:

I hereby designate the Health and Welfare Committee a privileged committee for the purpose of introducing RS 14184 on Wednesday, February 25, 2004.

Sincerely,
/s/ BRUCE NEWCOMB
Speaker of the House

The letter was ordered filed in the Office of the Chief Clerk.

**HOUSE CONCURRENT RESOLUTION NO. 51
BY HEALTH AND WELFARE COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to food safety and sanitation standards for food establishments are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.02.19, rules of the Department of Health and Welfare governing food safety and sanitation standards for food establishments, adopted as pending rules under Docket Number 16-0219-0301, the entire rulemaking docket, and IDAPA 16.02.19, rules of the Department of Health and Welfare relating to food safety and sanitation standards for food establishments, adopted as pending rules under Docket Number 16-0219-0302, the entire rulemaking docket, be, and the same are hereby rejected and declared null, void and of no force and effect.

HCR 51 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 760
BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029B, IDAHO CODE, TO PROVIDE THAT TAXPAYERS MAKING EXPENDITURES FOR QUALIFIED ALTERNATIVE ENERGY GENERATION EQUIPMENT ARE ENTITLED TO THE INCOME TAX CREDIT FOR CAPITAL INVESTMENT; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029Q, IDAHO CODE, TO PROVIDE AN INCOME TAX CREDIT FOR CERTAIN EXPENDITURES RELATING TO INVESTMENT IN ALTERNATIVE ENERGY GENERATION EQUIPMENT, TO PROVIDE A SUNSET DATE, TO PROVIDE DEFINITIONS, TO PROVIDE A CARRYOVER OF UNUSED CREDITS AND TO PROVIDE PROCEDURES; AMENDING SECTION 63-3029J, IDAHO CODE, TO

PROVIDE AN INCOME TAX CREDIT FOR CERTAIN EXPENDITURES FOR QUALIFIED ALTERNATIVE ENERGY GENERATION EQUIPMENT IN CERTAIN AREAS OF IDAHO WITH HIGH UNEMPLOYMENT OR LOW PERSONAL INCOME AT THE ELECTION OF THE TAXPAYER FOR TAXABLE YEARS 2004 THROUGH 2009; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 761
BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO INCOME TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029H, IDAHO CODE, TO PROVIDE FOR AN INCOME TAX CREDIT FOR ALTERNATIVE ENERGY GENERATION OF ELECTRICITY FOR SIX TAXABLE YEARS, TO PROVIDE THE AMOUNT OF THE CREDIT, TO PROVIDE PROCEDURES, TO DEFINE TERMS AND TO PROVIDE FOR CARRYOVER AUTHORITY; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING A SUNSET DATE.

**HOUSE BILL NO. 762
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2005; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2005; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE ATHLETIC COMMISSION.

**HOUSE BILL NO. 763
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2005; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

**HOUSE BILL NO. 764
BY APPROPRIATIONS COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF LAND COMMISSIONERS FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2005; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS.

HOUSE BILL NO. 765
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 50-907, IDAHO CODE, TO REFERENCE RETENTION IN ACCEPTABLE MEDIA; AND AMENDING SECTION 50-908, IDAHO CODE, TO PERMIT THE DISPOSAL OF CITY RECORDS THAT ARE LESS THAN TEN YEARS OLD UNDER CONDITIONS SPECIFIED AND TO MAKE TECHNICAL CORRECTIONS.

H 760, H 761, H 762, H 763, H 764, and H 765 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1263, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1241 and S 1242, by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Business Committee.

S 1256, S 1257, S 1258, and S 1259, by Commerce and Human Resources Committee, were introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

S 1295 and S 1296, by Resources and Environment Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 592, H 593, and H 633, by Resources and Conservation Committee, were read the second time by title and filed for third reading.

H 667, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

H 727, by Education Committee, was read the second time by title and filed for third reading.

S 1207, S 1208, and S 1209, by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

S 1226, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

H 527, H 528, and H 529, by Business Committee, were read the second time by title and filed for third reading.

H 647, by State Affairs Committee, was read the second time

by title and filed for third reading.

H 724, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

HCR 40 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall **HCR 40** be adopted?"

Whereupon the Speaker declared **HCR 40** adopted by voice vote and ordered the resolution transmitted to the Senate.

Mr. Denney asked unanimous consent that **H 655** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

SJM 105 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills and Mr. Nielsen to open debate.

The question being, "Shall **SJM 105** be adopted?"

Whereupon the Speaker declared **SJM 105** adopted by voice vote and ordered the memorial returned to the Senate.

HJM 17 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall **HJM 17** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydallch, Sali, Sayler, Schaefer, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Roberts, Skippen. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **HJM 17** adopted and ordered the memorial transmitted to the Senate.

H 658 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall **H 658** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalph, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- Kulczyk. Total -- 1.

Absent and excused -- Crow, Roberts. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 658** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 645 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Shepherd to open debate.

The question being, "Shall **H 645** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalph, Sayler, Schaefer, Shepherd, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Trail, Wills, Mr. Speaker. Total -- 59.

NAYS -- Bedke, Bradford, Lake, Moyle, Sali, Shirley, Stevenson, Wood. Total -- 8.

Absent and excused -- Crow, Field(23), Roberts. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 645** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HCR 44 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills, and Mrs. Miller to open debate.

The question being, "Shall **HCR 44** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Black, Boe, Campbell, Cannon, Deal, Denney, Douglas, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ring, Ringo, Roberts, Robison, Rydalph, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 51.

NAYS -- Barrett, Bayer, Bedke, Bell, Block, Bolz, Bradford, Clark, Collins, Crow, Cuddy, Eberle, Eskridge, Harwood, Kulczyk, McGeachin, McKague, Ridinger, Wood. Total -- 19.

Total -- 70.

Whereupon the Speaker declared **HCR 44** adopted and ordered the resolution transmitted to the Senate.

Mr. Denney asked unanimous consent that **S 1238** retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that **H 656** be placed immediately above **H 552**, as amended, on the Third Reading Calendar. There being no objection, it was so ordered.

Mr. Bolz asked unanimous consent that **H 603** be returned to the Education Committee. There being no objection, it was so ordered.

H 663 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Cuddy to open debate.

The question being, "Shall **H 663** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalph, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Barraclough, Crow, Deal, Field(23), Meyer. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 663** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 732 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Robison to open debate.

The question being, "Shall **H 732** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Crow, Field(23). Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 732** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 733 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Deal to open debate.

The question being, "Shall **H 733** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Crow, Field(23), Wills. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 733** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 734 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gagner to open debate.

The question being, "Shall **H 734** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Ring, Wills. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 734** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 735 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 735** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 66.

NAYS -- None.

Absent and excused -- Moyle, Ring, Roberts, Wood. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 735** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 736 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

The question being, "Shall **H 736** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Moyle, Roberts, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 736** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 737 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **H 737** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Wood. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 737** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 620 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Black to open debate.

The question being, "Shall **H 620** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Wood. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 620** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 706 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Meyer to open debate.

Pursuant to Rule 38(3), Mr. Meyer disclosed a conflict of interest regarding **H 706**.

The question being, "Shall **H 706** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 69.

NAYS -- None.

Absent and excused -- Crow. Total -- 1.

Total -- 70.

Whereupon the Speaker declared **H 706** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until 1 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House at recess until 1 p.m.

RECESS

Afternoon Session

The House reconvened at 1 p.m., Mr. Denney in the Chair.

Roll call showed 68 members present.

Absent and excused -- Eberle, Mr. Speaker. Total -- 2.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

SJM 106 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Deal to open debate.

The question being, "Shall **SJM 106** be adopted?"

Whereupon the Speaker Pro Tem declared **SJM 106** adopted by voice vote and ordered the memorial returned to the Senate.

H 700 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Wood to open debate.

The question being, "Shall **H 700** pass?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Henbest, Jaquet, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sali, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 62.

NAYS -- None.

Absent and excused -- Bedke, Eberle, Field(18), Jones, Nielsen, Schaefer, Skippen, Mr. Speaker. Total -- 8.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 700** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 635 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Campbell to open debate.

The question being, "Shall **H 635** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Moyle, Naccarato, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 54.

NAYS -- Andersen, Boe, Douglas, Henbest, Jaquet, Langhorst, Martinez, Mitchell, Pasley-Stuart, Ringo, Robison, Smith(30). Total -- 12.

Absent and excused -- Eberle, Field(18), Nielsen, Mr. Speaker. Total -- 4.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 635** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 669 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Bedke to open debate.

The question being, "Shall **H 669** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 55.

NAYS -- Andersen, Boe, Douglas, Henbest, Jaquet, Langhorst, Martinez, Pasley-Stuart, Ringo, Robison, Sayler, Smith(30). Total -- 12.

Absent and excused -- Eberle, Eskridge, Mr. Speaker. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 669** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

HCR 46 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Lake to open debate.

The question being, "Shall **HCR 46** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Kulczyk, Lake, Langford, Langhorst, Martinez, McGeachin, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Roberts, Robison, Rydalch, Sali, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood. Total -- 63.

NAYS -- Pasley-Stuart, Ringo. Total -- 2.

Absent and excused -- Bradford, Crow, Eberle, Eskridge, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **HCR 46** adopted and ordered the resolution transmitted to the Senate.

HCR 47 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mrs. Garrett and Mr. Schaefer to open debate.

The question being, "Shall **HCR 47** be adopted?"

Roll call resulted as follows:

AYES -- Andersen, Barraclough, Bauer, Bayer, Bell, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Crow, Cuddy, Deal, Denney, Douglas, Ellsworth, Field(18), Field(23), Gagner, Garrett, Harwood, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalch, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 59.

NAYS -- Barrett, Kulczyk, McGeachin, McKague, Sali, Wood. Total -- 6.

Absent and excused -- Bedke, Eberle, Edmunson, Eskridge, Mr. Speaker. Total -- 5.

Total -- 70.

Whereupon the Speaker Pro Tem declared **HCR 47** adopted and ordered the resolution transmitted to the Senate.

H 639 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Lake to open debate.

The question being, "Shall **H 639** pass?"

Roll call resulted as follows:

AYES -- Barraclough, Barrett, Bauer, Bayer, Bedke, Bell, Block, Bolz, Bradford, Cannon, Clark, Collins, Crow, Denney, Gagner, Garrett, Harwood, Kellogg, Kulczyk, Lake, McGeachin, McKague, Moyle, Roberts, Rydalch, Schaefer, Smith(24),

Stevenson, Wood. Total -- 29.

NAYS -- Andersen, Black, Boe, Campbell, Cuddy, Deal, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Henbest, Jaquet, Jones, Langford, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Ringo, Robison, Sali, Sayler, Shepherd, Shirley, Skippen, Smith(30), Smylie, Snodgrass, Trail, Wills. Total -- 39.

Absent and excused -- Eberle, Mr. Speaker. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 639** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10 a.m., Thursday, February 26, 2004. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:45 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk